IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.8492 OF 2005
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The State of Maharashtra ...Applicant.
V/s.
1.Dnyanoba Sambhaji Mote & Ors. ...Respondents.

Smt.M.M.Deshmukh, APP for the Applicant/State.
Shri M.A.Choudhary, adv. for the Respondent Nos.1 to 3.

CORAM: J.H.BHATIA, J.
DATED: 18th January, 2007.

P.C.:

1. Heard Mrs.Deshmukh, the learned APP for the State and Mr.Chaudhary, the learned counsel for Respondent Nos.1 to 3.

2. This is an application for condonation of delay of 343 days in filing application for leave to appeal alongwith appeal against the order of acquittal in the case under the Prevention of Corruption Act. Application is opposed by the learned counsel for the respondents. I have gone through the reasons given by the prosecution in the affidavit filed by Mr.Surwade, Superintendent of Criminal Branch, Filing Section, Office of the Public Prosecutor, High Court (Appellate Side), Bombay. In the affidavit, he has explained the

circumstances leading to the delay. From the contents of the application and the said affidavit, it appears that the impugned judgment was delivered on 7-10-2004 and certified copy was supplied on 19-10-2004. However, the Additional Public Prosecutor, Solapur who had conducted the trial forwarded his proposal to prefer an appeal on 23-12-2004. The Law & Judiciary Department issued the Government Resolution on 17-01-2005 directing the Public Prosecutor, High Court to prefer an appeal. This order was received in the office of Public Prosecutor on 24-01-2005. As per the affidavit of Mr.Survade, on 7-02-2005 telegram was sent to the Additional Public Prosecutor, Solapur for explaining the delay which was already caused. For this telephonic as well as postal communication were sent to him from time to time till 1-12-2005 and finally reply was received on 19-12-2005 wherein he had explained that the delay was caused because junior clerk had not handled the matter properly. The criminal case pertains to the possession of disproportionate assets by the public servant and his family members. Even though the delay has been caused under the aforesaid circumstances, in the interest of justice, delay in filing appeal is hereby condoned.

3. The application stands disposed off.

4. Criminal Application No.8491 of 2005 be listed after two weeks.

(J.H.Bhatia,J.)